

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:13-00326-03

JOSEPH JAMES SALMONS

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER  
MEMORANDUM OPINION AND ORDER

On April 4, 2018, the United States of America appeared by J. Matthew Davis, Assistant United States Attorney, and the defendant, Joseph James Salmons, appeared in person and by his counsel, Gary A. Collias, for a hearing on the petition seeking revocation of supervised release submitted by United States Probation Officer Jeffrey D. Bella. The defendant commenced a 30-month term of supervised release in this action on July 28, 2017, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on March 29, 2017.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant left the judicial district inasmuch as on January 27, 2018, he was involved in a suspicious vehicle incident in South Point, Ohio, involving the Lawrence County, Ohio, Sheriff's Department, and did not have the permission of the probation officer or the court to be in Ohio; (2) the defendant used and possessed controlled substances as evidenced by his admission to the probation officer on January 31, 2018, that he had used heroin and methamphetamine within the past two days; and a positive urine specimen submitted by him on February 1, 2018, for methamphetamine and morphine, the defendant having signed a voluntary admission form confirming he used heroin and methamphetamine the previous day; (3) the defendant failed to notify the probation officer within 72 hours of his contact with law enforcement on January 27, 2018, inasmuch as he did not report the incident until January 31, 2018; and (4) the defendant failed to participate and successfully complete the 9 to 12 month residential drug treatment program at Recovery Point in Bluefield, West Virginia, inasmuch as he entered the program on July 28, 2017, and was discharged from the program on January

4, 2018, prior to completion; all as admitted by the defendant on the record of the hearing and all as set forth in the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

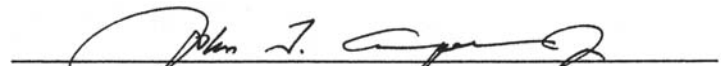
And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of THREE (3) MONTHS, to be followed by a term of 27 months of supervised release upon the standard conditions of supervised release now in effect in this district as promulgated by the Administrative Office of the United States Courts (National Form AO 245B), the standard conditions as set forth in Local Rule

32.3 and the special condition that he, commencing immediately upon his release from imprisonment, participate in, for a minimum period of eight months, and successfully complete the residential drug treatment program at Lifehouse in Huntington, West Virginia, where he shall follow the rules and regulations of the facility, all as more fully set out in the one-page Lifehouse exhibit filed herein, and participate in drug abuse treatment and counseling as directed. Immediately upon defendant's release from imprisonment, the defendant shall report directly from his place of incarceration, without interruption, to the Lifehouse in Huntington, West Virginia, with transportation to be provided by his mother.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: April 5, 2018

  
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John T. Copenhaver, Jr.  
United States District Judge